

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) CRIMINAL NO. 04-10387-RGS
)
 v.)
)
WILLIE DANCY,)
)
 Defendant.)

**GOVERNMENT'S NOTICE OF INTENTION TO INTRODUCE
EVIDENCE PURSUANT TO FED. R. EVID. 404(b)**

The United States of America, through its attorneys Michael J. Sullivan, United States Attorney, and Antoinette E.M. Leoney, Assistant U.S. Attorney, hereby gives notice that if the defendant, Willie Dancy, denies that he had any motive or intent to possess the firearm and ammunition with which he is charged, the government will offer evidence pursuant to Fed. R. Evid. 404(b) regarding the defendant's prior firearm and drug convictions, which are set out below.

Further, the government may offer evidence of the prior firearm convictions if denies knowledge of weapons generally. The prior convictions will not be offered to show that the defendant had the propensity to engage in the same type of criminal conduct, but that he did in fact have a motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, for possessing the firearm and ammunition.

The prior convictions are as follows:

- (1) Unlawful Carry and Possession of Firearm, Brockton

District Court on 6/17/03;

- (2) Possession to Distribute Class B and Class D Controlled Substances, Brockton District Court on 6/17/03;
- (3) Possession to Distribute Control Substance in School Zone, Brockton District Court on 6/17/03;
- (4) Possession to Distribute Class B Controlled Substance, Brockton District Court on 6/16/97;
- (5) Unlicensed Possession of Firearm, Brockton District Court on 5/13/97;
- (6) Possession of Class D Controlled Substance, Brockton District Court on 5/13/97;
- (7) Possession of Class B Controlled Substance, Brockton District Court on 9/28/95;
- (8) Distribute/Dispense Class B Controlled Substance, Brockton District Court on 4/22/94; and
- (9) Distribute/Dispense and Possession to Distribute Class B Controlled Substance, and Conspiracy to Violate Control Substance Act, Brockton District Court on 3/30/94.

Additionally, the government may seek to offer at trial evidence of these other convictions if the defendant testifies pursuant to Fed. R. Evid. 609.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Date: January 7, 2008

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
January 7, 2008

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing by electronic court filing notice on defense counsel, Oscar Cruz, Jr., Esq., Federal Defender Office, 408 Atlantic Avenue, 3rd Fl., Boston, MA 02210.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY